

Approved Minutes

**Child Support Formula Standing Subcommittee**

February 12, 2002 Meeting  
held at SCAO, Lansing MI

**MEMBERS PRESENT:** Kent Weichmann, Roland Fancher, Hon. Michael Skinner, Patti Holden, Terry Adams, Ron Papke and Kim Lem

**MEMBERS ABSENT:** None.

**STAFF PRESENT:** Bill Bartels and Darla Brandon

**PUBLIC ATTENDANCE:** None

**1. CALL TO ORDER**

The meeting was called to order by Chairperson Kent Weichmann at 1:34 p.m.

Introduction of New Members

Hon. Michael Skinner, Kim Lem, and Roland Fancher were introduced to the subcommittee members not present at the last meeting.

**2. ROUTINE BUSINESS**

a. Approval of the January 8, 2002 Minutes

A motion was made to approve the minutes with an amendment on page 3, third paragraph, third line strike “not” in the wording “spousal support in cases between ...” **Motion passed.**

b. Correspondence None.

c. Public Comment None.

d. Guideline Review Project

Mr. Bartels explained background information on the guideline report being done by Policy Study Inc. PSI will review the economics, provide recommendations for change, and do comparisons to other child support guidelines and other models.

The report should be completed by the end of March. The subcommittee will review the report and provide recommendations based on the report to either change the formula. The subcommittee’s recommendations will need to be supplied to the Friend of the Court Advisory Committee by August 1, 2002.

Another segment of this project is the a report on improving the measurement of formula

application and deviation. The objective is for PSI to provide recommendations for a means to survey that are more effective, cost efficient, and less intrusive on court time to measure deviation and application of the formula. The baseline survey using the current guideline hopefully will be completed by Fall of this year, and will be used to measure the changes to the updated formula.

### 3. UNFINISHED BUSINESS

#### a. Alimony/Spousal Support Adjustments to Income

Mr. Bartels drafted proposed language changes to the formula manual per last month's motion, and a rationale and the anticipated effect of those changes. It was provided to the subcommittee and reviewed during the meeting.

It was the consensus of the group to make three modifications to the draft. In the recommended change section in the change to manual section II K, strike "orders" from "... support orders paid to ...". Change the third paragraph of the rationale to read: "Eliminate the need to recalculate support in most cases when the payment of spousal support concludes." In the third paragraph of the anticipated effect, "exchange" needed to be changed to "transfer". A motion was made to approve the rationale with the three modifications listed above by Mr. Adams and Ms. Holden seconded the motion. **Motion passed.**

#### b. Deviation, Clarification of Effect of *Burba* Case

Mr. Bartels drafted proposed language changes to the formula manual per last month's motion, and a rationale and the anticipated effect of those changes. It was provided to the subcommittee and reviewed during the meeting.

A motion was made to approve the proposed language and rationale by Judge Skinner and seconded by Ms. Holden. **Motion passed.**

#### c. Imputation Section of Changes

The rationales from Mr. Weichmann and Mr. Adams, and Ms. Holden's dissent will be provided with the previously recommended changes to the imputation section to the Advisory Committee for review.

#### d. Different Custody Arrangements for Children in a Family

The subcommittee had some discussion regarding this section and the effects of using the first children charts for each calculation. The committee concluded additional information was needed. Mr. Bartels will run cases for examples, using three children and a variety of different custody arrangements, and including shared economic calculations for one child with the split at 128 days with the parents that didn't have custody of the two. Along with different ratios of the incomes with 60, 120, 128, and 180 days. Some comparisons should include the current method of using the first children for each calculation and comparisons using an average based on the total number of children (per capita). Mr. Fancher will provide proposed language of the different custody arrangements for children in the same household at the next meeting

- e. Existing Support Order Deductions for other families (offensive vs. defensive use)

Mr. Adams made a motion to remove this item from the agenda. Mr. Papke seconded the motion. **Motion passed.** Ms. Holden disagreed with the motion and would like to find out if the idea was included in the original guideline manual or was removed while it was in draft form.

- f. Shared Economic Responsibility - Softening the Cliff Effect

Mr. Weichmann provided some sample cases and charts that use different means of figuring support for increased time spent with the support payer. The committee would like to see some other examples.

An article from the January 2002 Family Law Quarterly by Ross Stancati was distributed to the committee for review.

#### **4. NEW BUSINESS**

- a. Role of Formula Subcommittee

The subcommittee will discuss shared economic responsibility and different custody arrangements at the next meeting.

- b. Multiple Support Orders Involving the Same Parents

Mr. Fancher provided information regarding a case in his county. The situation involved setting support in a case when the same parents had other children in other cases. In this instance the cases were in more than one county. Mr. Fancher will provide proposed language at the next meeting.

#### **5. CLOSING**

- a. Next Meeting March 12, 2002 at 1:30 p.m. at the State Court Administrative Office.
- b. Adjourn A motion was made and seconded to adjourn the meeting. All agreed, and the meeting adjourned at 3:24 p.m.

Respectfully submitted,

Darla Brandon